

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1483**

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**Introduced by Assembly ~~Member Richman~~ Members Richman  
and Daucher**  
**(Coauthors: Assembly Members Bates, Cogdill, Maddox, and  
Wyland)**

February 21, 2003

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An act to add Sections 139.7, 139.71, ~~and 139.72~~ 139.72, 139.73,  
and 139.74 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1483, as amended, Richman. Workers' compensation:  
physicians: *disability ratings: claims: training requirements.*

Existing workers' compensation law provides for the treatment of  
injured workers by physicians. Existing law requires the Industrial  
Medical Council, among other things, to counsel and assist the  
Administrative Director of the Division of Workers' Compensation and  
suggest standards for improving care furnished to injured employees.  
*Existing law requires the Industrial Medical Council to appoint  
physicians as qualified medical evaluators in each of the respective  
specialties as required for the evaluation of medical-legal issues.*

This bill would require every physician who treats and evaluates  
injured workers, on and after January 1, 2006, to be certified by the  
Industrial Medical Council as a Qualified Workers' Compensation  
Physician (QWCP). ~~The bill~~ *It would exempt physicians who are  
qualified medical evaluators from the QWCP certification requirement,  
and would authorize the council to waive this requirement under certain*

circumstances. The bill would require the council, on or before January 1, 2005, to establish a QWCP certification program containing specified criteria.

The bill would also require the administrative director, on or before January 1, 2005, to contract, to the extent permitted by state law, with a public or private university or policy institute in the state to develop physician utilization management, quality of care, *billing*, and outcome measurement data, and to publish a report, on or before July 1, 2006, and annually thereafter, that includes this data.

*Existing law establishes permanent disability ratings for injured workers.*

*This bill would require the administrative director, by January 1, 2005, to establish a mandatory annual training program for persons in the Disability Evaluation Unit within the Division of Workers' Compensation of the Department of Industrial Relations who determine permanent disability ratings for injured workers.*

*Under existing law, workers' compensation claims are processed by the insurance companies that provide the insurance coverage to the employer.*

*This bill would require the administrative director, by January 1, 2005, to establish a mandatory annual insurance claim administrator training program for any person who is the primary handler of workers' compensation claims for an injured worker.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 139.7 is added to the Labor Code, to  
2 read:

3 139.7. (a) On and after January 1, 2006, every physician who  
4 treats and evaluates injured workers shall be certified by the  
5 Industrial Medical Council as a Qualified Workers' Compensation  
6 Physician (QWCP), unless this requirement has been waived, *or*  
7 *the physician is exempted from the QWCP certification*  
8 *requirement*, pursuant to subdivision (f).

9 (b) The Industrial Medical Council shall certify a physician as  
10 a QWCP upon completion of the course specified in Section  
11 139.71, passage of an examination written and administered by the  
12 council, and the completion of 10 ratable reports.



(c) Certification shall be valid for two years. The Industrial Medical Council shall recertify a QWCP upon completion of a recertification course, as specified by the council.

(d) (1) On and after January 1, 2006, only a QWCP shall be eligible for reimbursement under Division 4 (commencing with Section 3200).

(2) Notwithstanding paragraph (1), a physician who is not a QWCP may be reimbursed for a first visit and for providing urgent care, as specified in regulations adopted by the administrative director in consultation with the Industrial Medical Council.

(e) A physician who provides medical treatment to an injured worker, but who does not participate in the evaluation of the injured worker for the purpose of determining workers' compensation benefits or participate in making determinations for purposes of workers' compensation, such as with regard to temporary or disability benefit ratings, is exempt from the requirements of this section.

(f) (1) The Industrial Medical Council may grant a waiver from the certification requirements of this section to a physician who is in an area in which the council has determined there is a shortage of physicians certified under this section who are available to treat and evaluate injured workers.

(2) *A physician who is a qualified medical evaluator, as defined in subdivision (e) of Section 110, shall be exempt from the QWCP certification requirement.*

SEC. 2. Section 139.71 is added to the Labor Code, to read:

139.71. (a) On or before January 1, 2005, the Industrial Medical Council shall establish a Qualified Workers' Compensation Physician (QWCP) certification program. The program shall consist of certification and recertification courses, as well as a certification examination.

(b) The certification and recertification courses shall demonstrate competence in the diagnosis and treatment of occupational injuries, the use of treatment guidelines, determination of the nature and duration of temporary disability benefits, determination of work restrictions and assessment of a worker's ability to return to work, determination of when a worker's condition is permanent and stationary, evaluation of permanent disability, and accurate and complete report writing. The curriculum shall be determined by the council and shall be

1 consistent with the scope of practice of physicians within the  
2 workers' compensation system including, but not limited to,  
3 Section 3209.3.

4 (c) The council shall approve those individuals and entities that  
5 are authorized to provide courses for certification and  
6 recertification.

7 SEC. 3. Section 139.72 is added to the Labor Code, to read:

8 139.72. (a) On or before January 1, 2005, the administrative  
9 director shall contract, to the extent permitted by state law, with a  
10 public or private university or policy institute in the state to  
11 develop physician utilization management, quality of care, *billing*,  
12 and outcome measurement data.

13 (b) On or before July 1, 2006, and annually thereafter, the  
14 administrative director shall publish a report that includes the data  
15 specified in subdivision (a). It is the intent of the Legislature that  
16 this ongoing process be designed and implemented to encourage  
17 best medical practices and to discourage unnecessary variance in  
18 treatment patterns.

19 (c) The administrative director shall ensure the confidentiality  
20 and protection of patient-specific data.

21 SEC. 4. Section 139.73 is added to the Labor Code, to read:

22 139.73. (a) *On or before January 1, 2005, the administrative*  
23 *director shall establish a mandatory annual training program for*  
24 *persons in the Disability Evaluation Unit within the Division of*  
25 *Workers' Compensation of the Department of Industrial Relations*  
26 *who determine permanent disability ratings for an injured worker.*

27 (b) *The annual disability evaluation unit training program*  
28 *shall include but not be limited to, instruction on the medical-legal*  
29 *aspects of the workers' compensation system and instruction on*  
30 *consistent and fair application of the permanent disability*  
31 *guidelines.*

32 (c) *The administrative director shall approve the persons or*  
33 *entities that are authorized to provide the training program and*  
34 *their program curricula.*

35 SEC. 5. Section 139.74 is added to the Labor Code, to read:

36 139.74. (a) On or before January 1, 2005, the administrative  
37 director shall establish a mandatory annual insurance claim  
38 administrator training program for any person who is the primary  
39 handler of an injured workers' compensation claim.

1 (b) The annual insurance claim administrator training program  
2 shall include, but not be limited to, instruction on the medical  
3 coordination of workers' compensation claims, permanent  
4 disability guidelines, and the medical-legal aspect of the workers'  
5 compensation system.

6 (c) The administrative director shall approve the persons and  
7 entities that are authorized to provide the training program, and the  
8 providers' program curricula.

